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13 Attorney for plaintiff
C. ROBERT PETTIT, M.D.
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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
17

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19 C. ROBERT PETTIT, M.D.,

20 Plaintiff

21 v.

22 CONTRA COSTA MEDICAL SERVICES
REGIONAL MEDICAL CENTER and
23 DOES ONE THROUGH TWENTY,
Inclusive,

24 Defendants.
25

No. C 07 3358 JSW

AMENDED JOINT CASE MANAGEMENT
CONFERENCE STATEMENT

Date: January 11, 2008

Time: 1:30 p.m.

Location: United States District Court
450 Golden Gate Avenue
Courtroom 2, 17th Floor
San Francisco, CA 94102

26 1. JURISDICTION AND SERVICE

27 Jurisdiction is conferred as plaintiff has asserted a claim of age discrimination in
28 violation of 29 U.S.C. 621, et seq (ADEA). Both plaintiff and defendant are alleged to be

1 residents of the district served by the court. All named parties have been served and have
2 appeared.

3 2. FACTS

4 Plaintiff Robert Pettit, M.D. entered into a contract for service with Defendant Contra
5 Costa County. Dr. Pettit was to perform medical services for patients of Contra Costa County,
6 and was paid for these services. Dr. Pettit's contract was terminated by Contra Costa County;
7 Plaintiff alleges the termination did not comply with the terms of the contract. Dr. Dr. Pettit
8 contends the contract was wrongfully terminated as a result of his "whistleblowing" activities,
9 in violation of public policy, and as a result of age discrimination. Defendant denies these
10 allegations and alleges the contract was terminated according to the contract terms.

12 3. LEGAL ISSUES

13 Legal issues include whether plaintiff can meet his burden of proof to show protection
14 under the whistleblowing statute (state and federal); whether plaintiff can prove, and defendant
15 can rebut, a prima facie case of age discrimination; whether plaintiff can prove a case for
16 public policy violation; and whether plaintiff can show a violation of the implied covenant of
17 good faith and fair dealing or a breach of contract

18 4. MOTIONS

19 There are no motions currently pending. Defendant anticipates filing a motion for
20 summary judgment or partial summary judgment.

21 5. AMENDMENT OF PLEADINGS

22 No amendments are currently anticipated.

23 6. EVIDENCE PRESERVATION.

24 Defendants have taken steps to preserve evidence.

25 7. DISCLOSURES

26 The parties have exchanged Initial Disclosures, pursuant to Fed. R. Civ. P. 26 and have
27 met and conferred on the subject.

1 8. DISCOVERY

2 No discovery has been commenced. The parties propose discovery limits per Federal
3 Ruled of Civil Procedure. Non-expert discovery to be completed by April 7, 2008. Expert
4 discovery to be completed by July 1, 2008.

5 9. CLASS ACTIONS

6 Not applicable.

7 10. RELATE CASES

8 Not applicable.

9 11. RELIEF

10 Plaintiff seeks reinstatement; contract and compensatory damages (back pay and front
11 pay) in the amount of \$335,250; general damages in the amount of \$200,000; punitive
12 damages in an amount according to proof, and attorney fees and costs in the amount of
13 \$100,000.

14 12. SETTLEMENT AND ADR

15 This matter was mediated on November 26, 2007, before court appointed mediators
16 Peter Sherwood and Gary Bean, M.D. The case did not settle.

17 13. CONSENT TO MAGISTRATE JUDGE

18 The parties do not consent to magistrate judge for all purposes, and have filed
19 appropriate documentation. The court has reassigned this case to the Hon. Jeffrey S. White.

20 14. OTHER REFERENCES

21 No other reference appear appropriate at this time.

22 15. NARROWING OF ISSUES

23 None appears appropriate at this time.

24 16. EXPEDITED SCHEDULE

25 An expedited schedule does not appear appropriate at this time.

26 17. SCHEDULING

27 Proposed Expert Disclosure: June 4, 2008.

28 Proposed Expert Discovery Cutoff: July 1, 2008.

1 Proposed hearing date for dispositive motions: May 21, 2008.

2 Proposed Pretrial conference date: July 16, 2008.

3 Proposed Trial Date: August 11, 2008.

4 18. TRIAL

5 The parties request a jury trial, and anticipate it will consume 5 to 7 court days.

6 19. DISCLOSURE ON NON-PARTY INTERESTED ENTITIES OR PERSONS

7 None.

8 20. OTHER MATTERS

9 None.

10
11 DATED: January 8, 2008

SILVANO B. MARCHESI
COUNTY COUNSEL

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15 By: 

JANET L. HOLMES
Deputy County Counsel
Attorneys for Defendant
CONTRA COSTA MEDICAL
SERVICES REGIONAL MEDICAL
CENTER

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19 DATED: 

LAW OFFICES OF RAND L. STEPHENS

20
21 By: 

RAND L. STEPHENS
Attorney for plaintiff
C. ROBERT PETTIT, M.D.